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FEPC

FAIR • DISCRIMINATION • COMPLIANCE • SEX •
RESPONDENT • EQUAL • COMPLAINT • RIGHTS •
BACKPAY • FEP ACT • HANDICAPPED • ORDER • CONCILI-
ATION • PUBLIC RETALIATION • LABOR UNIONS • SETTLE-
SUES • EMPLOYER • EVIDENCE • LAW •
MENT • REEMPLOYMENT • RELIGION • COLOR • RACE •
NATIONAL ORIGIN • PROMOTION • INVESTIGATION • LEGAL
• ARREST • BLACK • ILLINOIS

ILLINOIS FAIR EMPLOYMENT PRACTICES COMMISSION

HOW TO EXERCISE YOUR RIGHTS UNDER
THE ILLINOIS FAIR EMPLOYMENT
PRACTICES ACT

ILLINOIS DOCUMENTS

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FAIR EMPLOYMENT PRACTICES ARE REQUIRED BY LAW IN ILLINOIS

It is illegal if, for reasons of race, religion, sex, color, national origin, ancestry, physical or mental handicaps unrelated to ability, less than honorable discharge from military services, arrest record or retaliation:

An **EMPLOYER** discriminates by:

- Refusing to interview, hire, or promote you.
- Denying you equal pay or privileges or conditions of employment due you.
- Discharging or demoting you.

An **EMPLOYMENT AGENCY** discriminates by withholding full and equal services or by refusing to refer or place applicants or by filling job orders with discriminatory provisions.

A **LABOR UNION** discriminates against any member or applicant for membership, or refuses to fairly represent any member or class of members.

This employer, employment agency or labor union discriminatorily retaliates because:

- You have filed a charge of discrimination against the other party previously and/or
- You have openly opposed a practice which you believed was discriminatory and/or
- You have assisted, given testimony or been a witness in a discrimination charge against the other party.

NOTE: Retaliation is action taken against you by the other party because of the above 3 categories only as it applies to race, color, religion, etc.

HOW FEPC WORKS

Here is what happens when you file a charge with the Commission:

- your charge is thoroughly investigated;
- the Commission will review your charge and the evidence obtained in the investigation;
- if the investigation does not reveal evidence to support your charge, it will be dismissed.;
- if the Commission finds substantial evidence to support your charge, it will attempt to settle the case among the parties through conciliation. The settlement must be one to which all parties--you, the other party, and the Commission--agree;
- if settlement proves impossible, the Commission will issue a formal complaint and there will be a public hearing at which both sides may be represented by counsel and have an opportunity to state their cases publicly with full protection of the law; the hearing will be before an Administrative Law Judge who, after studying all the evidence, will render a decision and recommend to the Commission an order resolving the case. The Commission will then review the Administrative Law Judge's decision and recommended order. The parties may file written pleadings and appear before the Commission to argue for or in opposition to the Administrative Law Judge's decision. The Commission will then reach a final decision in the case, which will be in writing and served upon all parties.
- if the final decision is in your favor, the Commission will order a remedy which will correct the wrong committed against you, and prevent it from happening again. Typical remedies include: being hired for a job, a promotion, union membership, referral by a union or employment agency, back pay, back seniority, and an agreement by the other party to take whatever action is necessary to prevent discrimination;
- orders issued by the Commission can be enforced in court.

SOME EXAMPLES of employment practices that the Commission may consider discriminatory are:

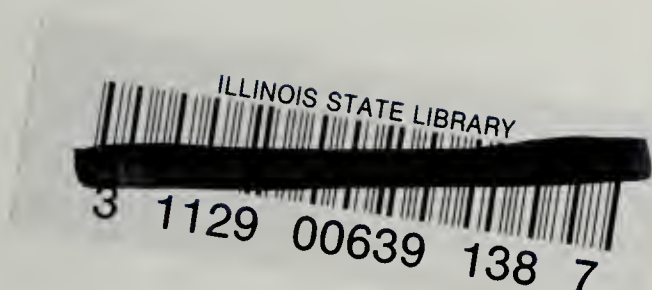
- A black female filed a charge alleging that she was discriminatorily denied employment because she and her husband had been the subject of a wage deduction order and other family financial problems. The Commission agreed with the complainant because of case law establishing that an employer's reliance on credit problems as a bar to employment may have the effect of discriminating against minority groups much more frequently than non-minorities.
- A Latino male applied for a job as a police officer and his application was rejected because he had been arrested. The Commission found that because minority group persons are arrested more frequently than non-minorities, disqualification of an applicant on this ground without consideration of other circumstances amounts to discrimination.
- A female complainant filed charges alleging sex discrimination when she learned that the man who had previously held her job was paid more than she. After an investigation the commission found that the complainant had greater skills and qualifications than the man she replaced. Moreover, the complainant was paid less than other men performing the same duties. The employer could not give good reasons as to why this had happened and the Commission ordered back pay for the complainant.
- An employer refused to promote a minority male because he did not have a college degree. The man filed a complaint with the Commission charging that he was discriminated against because of his race. The Commission found that absolute degree requirements have a discriminatory effect against minority persons who tend to lack degrees in greater numbers than non-minorities and the employer was not able to show that the degree requirement was a business necessity to perform the job well. It therefore sustained the complainant.

- A case was brought by a school teacher who was denied a job because she was the mother of small children at home and the fact that she was pregnant. The Commission held that a strict rule or policy which limits the employment opportunities of women (married or unmarried) with minor children while not so affecting men with minor children, discriminates against women in violation of the Act. The Commission upheld the complaint and ordered respondent to hire complainant and pay her for wages lost.
- Refusal of an employer to select a handicapped individual for a position because of the preferences of co-workers, clients or customers is discriminatory. Refusal to select a handicapped individual for a position because of uninsurability or increased cost of insurance, whether it is actual or anticipated, is also discriminatory.

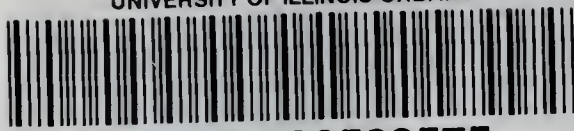
HERE IS WHAT TO DO when you think you have been discriminated against:

PHONE or **WRITE** the Commission for assistance, or:

Write a statement describing your complaint. Give the dates, place, and all other related facts. Include your name, address, zip code, phone number, and the names and addresses of those persons you believe treated you unfairly. Sign your statement and mail it to the Commission.



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BRIEF HISTORY

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Passed by the Illinois legislature in 1961, the Fair Employment Practices Act originally provided for the investigation and processing of employment discrimination charges based on race, color, religion, national origin or ancestry. It was amended in 1971 to also prohibit sex discrimination in employment, and further expanded in 1972 to require all companies or contractors doing business with the state to provide equal employment opportunity.

On October 1, 1975, additional legislation became effective allowing the FEPC to initiate a complaint in its own name. Other jurisdictions added to the Act include authority to hold hearings with regard to public contracts; unfavorable discharge from military service, excluding dishonorable; physical and mental handicaps unrelated to ability; and effective January, 1976, the Act was further expanded to include employers having fifteen (15) or more employees.



For a copy of the Illinois Fair Employment Practices Act and/or additional information write to:

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